

## REMARKS

In response to the Final Office Action mailed October 15, 2010, the Assignee respectfully requests reconsideration. To further prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

### I. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 5, 7-11, 18-21, and 23 (including independent claims 1, 11, and 21) under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 7,031,998 (“Archbold”) in view of U.S. Patent No. 5,163,085 (“Sweet”), U.S. Publication No. 2003/0046350 (“Chintalapati”), and U.S. Publication No. 2003/0140037 (“Deh-Lee”). In view of the remarks herein, the Assignee respectfully requests reconsideration.

#### A. The Purported Combination of Archbold, Sweet, Chintalapati, and Deh-Lee is Improper

The Office Action asserts that “it would have been obvious to one of ordinary skill in the art at the time of the invention to include a list of the persons ranked according to the parameters, such as the person’s availability, the person’s area of expertise as taught by Deh-Lee when selecting a transcriptionist with the highest rank from the list as taught by Chintalapati in the system of Archbold, and in view of Sweet, since the claimed invention is merely a combination of old elements, and in combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable” (Office Action, page 7).

The Assignee does not agree with the assertions in the Office Action that one of ordinary skill in the art would have been motivated to combine the teachings of a system for routing transcription jobs (Archbold), the teachings for a centralized dictation system (Sweet) and the teachings of a transcription system (Barton) with the teachings of an expert retrieval system (Deh-Lee) that does not relate in any way to dictations or transcriptions.

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Deh-Lee is directed to an expert retrieval system in which a list of experts is generated in response to a search request from a user (Deh-Lee, [0007]). The list of experts is ranked according to stored parameters in an expert profile, with one of the stored parameters specifying the expert's area of expertise (Deh-Lee, [0008], [0012]). One of ordinary skill in the art at the time of the invention would not have incorporated the expert ranking process of Deh-Lee into the purported system of Archbold, Sweet, and Chintalapati because Deh-Lee is not concerned with transcriptions or criteria used for selecting people to perform a transcription. Rather, Deh-Lee is directed to locating experts in response to a search query and displaying a ranked list of experts to a user.

Furthermore, the Assignee disagrees with the assertion in the Office Action that in the purported combination of Archbold, Sweet, Chintalapati, and Deh-Lee that "each element would have merely performed the same function as it did separately" (Office Action, page 7). Deh-Lee describes ranking a list of experts based on the expert's area of expertise (Deh-Lee, [0008]). However, in the alleged combination, the Office Action asserts that Deh-Lee performs a completely different function, namely that the expert ranking process described in Deh-Lee would be used to rank transcriptionists based on their familiarity with a specialist field associated with the content of a recorded dictation. Because the expert ranking process described in Deh-Lee would not perform the same function as is taught in Deh-Lee when combined with Archbold, Sweet, and Chintalapati, the combination of references is improper.

For at least these reasons, the combination of Archbold, Sweet, Chintalapati, and Deh-Lee is improper and it is respectfully requested that the rejections under 35 U.S.C. §103 be withdrawn.

**B. Even if Combined, the References Fail To Disclose or Suggests All Limitations of  
Any of the Independent Claims**

Independent claims 1, 11, and 21 specify criteria used in creating a list of suitable persons ranked according to each person's suitability and/or availability *to perform a transcription job*. In particular, the list of suitable persons is ranked based, at least in part on, "the person's familiarity with a specialist field associated with the content of the recorded dictation." Nowhere does any of Archbold, Sweet, Chintalapati, or Deh-Lee disclose or suggest the above-quoted limitation.

The Office Action concedes that Archbold, Sweet, and Chintalapati fail to disclose the above-quoted limitation, but asserts that paragraphs [0008], [0012], and [0032] of Deh-Lee disclose

this limitation of claims 1, 11, and 21 (Office Action, page 7). However, as discussed above in section A, the cited portions of Deh-Lee do not relate to creating a list of suitable persons ranked according to each person's suitability and/or availability *to perform the transcription job* based, at least in part, on the stored personal parameters including the person's *familiarity with a specialist field associated with the content of the recorded dictation*. Rather, Deh-Lee is not concerned with dictations or transcriptions and the cited portions of Deh-Lee are directed to a process for generating and ranking a list of experts in response to a search request from a user (Deh-Lee, [0008], [0012], [0032]).

As discussed above in section A, the combination of references is improper because the Office Action asserts that the teaching in Deh-Lee related to ranking a list of experts when combined with the other cited references would perform the different function of ranking a list of suitable persons to perform a transcription job based on the person's familiarity with a specialist field associated with the content of a recorded dictation (Office Action, page 7). However, even if it was proper to combine the cited references, which it is not, any combination of the cited references would fail to disclose the above-quoted limitation of claims 1, 11, and, 21. Accordingly, each of claims 1, 11, and 21 patentably distinguish over the purported combination of references and it is respectfully requested that the rejections under 35 U.S.C. §103 be withdrawn.

Claims 3-10 depend from claim 1, claims 13-16 and 18-20 depend from claim 11, and claims 22 and 23 depend from claim 21, respectively, and each of these dependent claims is allowable for at least the same reasons as the independent claim from which it depends.

## II. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

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**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70056US00.

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Respectfully submitted,  
Nuance Communications, Inc.By 

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